

REMARKS

This Amendment is being filed as a substitute for the Amendment dated December 29, 2003 to respond to the Notice of Non-Compliant Amendment that was mailed April 22, 2004.

In paragraph 3 of the Office Action, claims 1-17 were rejected under 35 U.S.C. § 104(a) as being unpatentable over Yasuda et al.

Reconsideration is requested.

The Yasuda et al. reference discloses a biaxially oriented sheet, an adhesive layer under the coupon, deadened with a patterned silicone layer and a perforated border around the edges of the coupon to facilitate coupon removal. In contrast, the label called for by claims 1-17 of the Applicants' invention, as filed, uses a monoaxially-oriented film and an adhesive layer under the couponable area which does not require scoring and/or perforations. This provides an easily removable coupon free of wrinkling, creasing and blistering.

In contrast, the entire tenor of the Yasuda et al. reference is to select and use a biaxially-oriented film. Yasuda et al.'s base layer comprises a biaxially stretched film, (Abstract), prepared by first stretching in the machine direction then stretching in the transverse direction (Specification, Col. 5, lines 10-23).

Yasuda et al. suggest, in passing, that where base layer 2 is a composite film, it can comprise a biaxially stretched core layer and a uniaxially stretched paper layer, without however teaching the orientation of the latter, ie., machine direction or transverse direction.

All of the claims now point out that a continuous layer of adhesive is on the outer back surface of the label. The claims also call for stretching in the machine direction only, thereby

clearly excluding Yasuda et al's. teachings to stretch in two directions.

Furthermore, Yasuda, et al., state, with reference to Figures 1 and 2:

"As previously explained, adhesive layer 3 is not formed on the entire back side of base layer 2. That is, it is applied to the part except less adhesive zone 4 where adhesive layer 3a is formed at a density of not more than 50%." (Col. 5, lines 52-56);
and

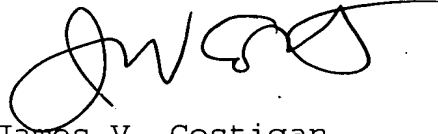
"Alternatively, the adhesive layer comprising adhesive layer 3b partitioned by less adhesive layer 3a can be formed by applying an adhesive layer on the entire back side of base layer 2 by extrusion and applying a parting agent, such as a silicone resin, in a dot form, a stripe form, a check form, etc, to the adhesive layer corresponding to coupon 5" (Col. 6, lines 20-26).

As the Applicants herein and their disclosure explain, it is critical to the present invention that the adhesive layer is always put down before a continuous layer of adhesive is put down overall. This results in a structure unlike Yasuda et al's Figure 1 and 2, in which the 3b's are interrupted by 3a, rendering the adhesive layer discontinuous. Thus claims 7 and 24 and their dependents are patentable over Yasuda for the further reason that they define a structural difference and not only differ merely by the particular material used or the measurements thereof.

The rejection over Yasuda et al should be reconsidered and withdrawn because the language of the claims as amended calls for features which could not have involved a mere matter of obvious design choice.

Early and favorable action is earnestly requested.

Respectfully Submitted



James V. Costigan
Registration No.: 25,669

Hedman & Costigan
1185 Avenue of the Americas
New York, NY 10036
212) 302-8989

I hereby certify that this
correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on 5/17/04

